

MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEES

In re: Terrorist Attacks on September 11, 2001 (S.D.N.Y.)

VIA ECF

March 7, 2023

The Honorable Sarah Netburn
Thurgood Marshall United States Courthouse
40 Foley Square, Room 430
New York, NY 10007

RE: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

On behalf of Plaintiffs with claims against Al Rajhi Bank ("ARB"), we write to apprise the Court of technical difficulties encountered while filing Plaintiffs' Second Motion to Compel Directed to ARB on March 3, 2023 (ECF Nos. 8902-8904) via the Court's ECF system, and ongoing efforts to correct same.

The filing deadline for Plaintiffs' Second Motion to Compel was last Friday, March 3, 2023, *see* ECF No. 8872, and our staff was in contact with the ECF clerk that same day in the early afternoon to discuss logistic and technical issues related to the filing of the motion under seal later that evening. At the time of those discussions, the Clerk advised our office that the Court had been experiencing technical difficulties with the ECF system. When our office endeavored to file Plaintiffs' memorandum of law and supporting papers that evening, we were able to access and utilize the event code for filings "under seal." However, when attempting to use the "selected parties" application to designate the parties who may view the sealed filing, we received a number of "system error" messages and were repeatedly expelled from Pacer. After several hours of effort, the only means we could identify to facilitate the filing under seal was by using the "*ex parte*" selection. We notified counsel for ARB of the problem, and thereafter used the *ex parte* selection to file the memorandum of law and supporting papers, in order to ensure that they were filed of record via the ECF system by the deadline. We then provided copies of the file stamped copies to counsel for ARB by email.

Our office has been in contact with the ECF Clerk each day this week to discuss the issues we had encountered on Friday, and how to correct the filing. The Clerk has advised our office that the Court is still encountering technical difficulties with the ECF.

As soon as the technical issues have been resolved, we will work with the Clerk to ensure that the motion papers are filed properly filed under seal and spread to relevant counsel via the selected parties tool.

Honorable Sarah Netburn

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Respectfully submitted,

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*On behalf of the Plaintiffs Executive
Committees*

cc: All MDL Counsel of Record (via ECF)